



**Protecting
Our
Nation's
Endangered
Forests**



Dear Californian:

Our nation's forests are in great danger.

More than 57 million acres of federal land are at the highest risk of catastrophic fire, including 8.5 million in California.

We saw how devastating fires can be in the fall of 2003, when wildfires swept through Southern California, consuming almost 740,000 acres, killing 23 people, and destroying more than 3,500 residences and 1,100 other structures.

These fires demonstrated how critical it is that we protect our forests and nearby communities.

Responding to the crisis, Congress has passed bipartisan legislation, which I sponsored along with 9 of my Senate colleagues, that will protect our forests from catastrophic fire by expediting the thinning of hazardous fuels and at the same time provide the first legal protection for old-growth trees in our nation's history.

If you have any questions about this legislation, please don't hesitate to contact my office at 202-224-3841.

Sincerely,

A handwritten signature in black ink that reads "Dianne Feinstein". The signature is fluid and cursive, with the first name "Dianne" being larger and more prominent than the last name "Feinstein".

Dianne Feinstein
U.S. Senator

Reducing Hazardous Fuels

The Healthy Forests Restoration Act reduces hazardous fuels in our nation's forests by:

- **Establishing an expedited hazardous fuels reduction program for 20 million acres at the highest risk of catastrophic fire.**
- **Authorizing \$760 million annually for the removal of hazardous fuels, a \$340 million increase over current funding.**
 - At least 50 percent of the funds would be used for fuels reduction near communities.
 - The remainder of the funds would go to municipal watersheds or endangered species habitats, or areas that have suffered from serious wind damage or insect infestations, including areas affected by the bark beetle.



Giant Sequoia in Sequoia National Forest in 1890.

Protecting Old-Growth Forests

The legislation protects old-growth forests and large trees from logging and catastrophic fire in the following ways:

- Forest plans more than 10 years old and most in need of updating (about 60 percent of the plans) would be updated with old-growth protection within 2-3 years.
- While the forest-specific old-growth protections are being developed, large and fire-resilient trees would be immediately protected in new projects authorized by this legislation (i.e., the bill prevents logging of the largest, most fire-resistant trees in the guise of fuels reduction).
- Where old-growth forests haven't been altered by fire suppression, existing old-growth conditions must be maintained. In other old-growth stands, where brush has accumulated through a century-old policy of suppressing ground fires, brush will be cleared out to protect the stands from catastrophic fire.
- Local forest managers will write specific prescriptions for their forests, all consistent with the more general national old-growth protection standards in the bill.



The same area — 80 years later. Dense undergrowth threatens stand with catastrophic fuel ladders.

The Cedar Fire: Threatening San Diego Communities

The fall 2003 Cedar Fire burned 280,000 acres near San Diego, killed 14 people, and destroyed 2,232 residences — making it the largest wildfire in California history.



The Cedar Fire threatened thousands of homes near a Scripps Ranch Development.



Across town, the Cedar Fire burned in the San Diego foothills, close to the I-15 freeway.

The Grand Prix Fire: Before and After

The 2003 Grand Prix Fire, (Lake Arrowhead, CA): Bark Beetle infestation has made the San Bernardino National Forest vulnerable to catastrophic forest fire.



An aerial view showing the trees killed by the Bark Beetle.



Fire consumes close to 60,000 acres near Lake Arrowhead and Big Bear.

The Piru Fire

The fall 2003 Piru Fire burned over 60,000 acres in the Los Padres National Forest.



A fire line on the Piru Fire.

Making the Administrative Review Process More Collaborative

The Act improves and shortens the administrative review process and makes it more collaborative and less confrontational by:

- Providing for public participation, including a public meeting and opportunities for comment during both the preparation of the environmental impact statement and during the administrative review process.
- Changing the environmental review process so the Forest Service still considers the effects of the proposed project in detail, but can focus its analysis on the project proposal, one reasonable alternative that meets the project's goals and the alternative of not doing the project, instead of the 5-9 alternatives now often required.
- Requires, in the wildland-urban interface, that the proposed project must still be studied in detail by the Forest Service along with one reasonable action alternative. Within 1.5 miles of an at-risk community, the Forest Service need only study the proposed action.
- Replacing the current Forest Service administrative appeals with an administrative review process that will occur after the Forest Service finishes its environmental review of a project, but before it reaches its decision.
- This new approach is similar both to a process adopted by the Clinton Administration in 2000 for review of forest plans and plan amendments, and to the Bureau of Land Management's successful review process in place since 1984. The process will be speedier and less confrontational than the current administrative appeal process.

Ensuring a Fair Judicial Review Process

The legislation expedites the judicial review process without altering either its basic framework or the opportunity for fair review by:

- Allowing parties to sue in federal court only on issues raised in the administrative review process.
- Requiring lawsuits to be filed in the same jurisdiction as the proposed project.
- Encouraging courts to resolve cases as soon as possible.
- Limiting preliminary injunctions to 60 days (plaintiffs must then demonstrate every 60 days why it is appropriate for the injunction to be extended).
- And requiring the court to weigh the environmental benefit of doing a given project against the environmental risks, as it reviews the case.

1909



1942



1992



Hazardous fuels, which accumulate over the years, can cause a catastrophic forest fire. (The arrows point to the same tree over 83 years.)

Community Wildfire Protection Plans

The Healthy Forests Restoration Act also gives communities the option of preparing “community wildfire protection plans.” Through these plans, communities can influence where and how federal agencies implement fuel reduction projects on adjoining federal lands, and strengthen protections on private lands within the community, potentially leveraging federal funds for private land protections as well.

The community plans must be approved by the applicable local government, local fire department, and State agency responsible for forest management. The plans are developed in consultation with interested parties and the Federal land management agencies managing land in the vicinity.

There are two key elements to the plans:

- **Prioritized Fuels Reduction** - Communities must identify and prioritize areas and methods for hazardous fuel reduction treatments on Federal and non-Federal land that will protect an at-risk community or its essential infrastructure;
- **Structural Ignitability** - Communities must recommend measures to reduce the ignitability of structures throughout the at-risk community.

Once the plans are approved, the Forest Service and the Bureau of Land Management must either follow the plan’s recommendations for fuel reduction treatments on federal land, or study those recommendations in detail as an additional alternative in their environmental analyses.

The National Association of State Foresters, the National Association of Counties and the Western Governors Association are working together to develop guides to help local communities develop community plans. Information can be found at www.stateforesters.org

Key Editorial Support

Orange County Register – “It took the most destructive fires in California history to ignite reform, but on Friday both houses of Congress passed a more sensible policy on clearing forests to prevent future fires....This is a significant change in federal policy, which for decades has discouraged clearing the forests, supposedly to protect the environment. The previous policy led to a proliferation of highly combustible underbrush, which when ignited last month helped burn more than 700,000 acres in our state, killing 23 people and destroying 3,626 homes.” (November 24, 2003)

The San Diego Union Tribune – “San Diego County will be one of the nation’s biggest beneficiaries of the Healthy Forests Restoration Act, which recently won congressional approval and is awaiting President Bush’s signature. The bill, the first major forest management legislation in a quarter-century, addresses the most significant environmental problem we have today, said David Bischel, president of the California Forestry Association. That is, he said, the growing risk of catastrophic wildfires due to increased fuels in our forests.” (November 28, 2003)

The Oregonian – “The fire bill is nothing more, and nothing less, than carefully balanced and useful legislation that, over time, should lead to healthier forests and reduce the threat of wildfire. The bill will authorize \$760 million a year for thinning projects on a total of 20 million acres of federal land. At least half the money spent on those projects must be spent near houses and towns, with “near” being defined in the final compromise as within 1.5 miles...The old way -- replacing old-growth forests with thick stands of small trees, snuffing all fires, allowing brush to accumulate, arguing all the while -- is a proven disaster waiting to happen. The West is eager to try something else.” (November 22, 2003)



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